

104TH CONGRESS
2D SESSION

S. 1805

To provide for the management of Voyageurs National Park, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 1996

Mr. GRAMS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the management of Voyageurs National Park, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Voyageurs National
5 Park Accessibility and Partnership Act of 1996”.

6 SEC. 2. FINDINGS.

7 Congress finds that—

8 (1) Voyageurs National Park serves as a unique
9 Federal park unit in one of the Nation’s distin-
10 guished natural ecosystems;

1 (2) Voyageurs National Park shall serve as a
2 year-round multiple-use recreational unit as man-
3 dated under Public Law 91–661;

4 (3) current management of Voyageurs National
5 Park has unilaterally restricted use and accessibility
6 within certain portions of the park;

7 (4) intergovernmental cooperation that respects
8 and emphasizes the role of State, local, and tribal
9 governments in land management decision-making
10 processes is essential to optimize the protection and
11 development of social, historical, cultural, and rec-
12 reational resources; and

13 (5) the national interest is served by—

14 (A) improving the management and protec-
15 tion of Voyageurs National Park;

16 (B) ensuring appropriate public access, en-
17 joyment, and use throughout Voyageurs Na-
18 tional Park; and

19 (C) allowing Federal, State, local, and trib-
20 al governments to engage in an innovative man-
21 agement partnership in Federal land manage-
22 ment decisionmaking processes.

23 **SEC. 3. PLANNING AND MANAGEMENT COUNCIL.**

24 Public Law 91–661 (16 U.S.C. 160 et seq.) is amend-
25 ed—

1 (1) by redesignating sections 304 and 305 (16
2 U.S.C. 160i and 160j) as sections 306 and 307, re-
3 spectively; and

4 (2) by inserting after section 303 (16 U.S.C.
5 160h) the following:

6 **“SEC. 304. PLANNING AND MANAGEMENT COUNCIL.**

7 “(a) ESTABLISHMENT.—There is established the
8 Voyageurs National Park Intergovernmental Council (re-
9 ferred to in this Act as the ‘Council’).

10 “(b) DUTIES OF THE COUNCIL.—The Council shall
11 develop and monitor a comprehensive management plan
12 for the park in accordance with section 305.

13 “(c) MEMBERSHIP.—The Council shall be composed
14 of 11 members, appointed by the Secretary, of whom—

15 “(1) 1 member shall be the Assistant Secretary
16 for Fish and Wildlife and Parks, or a designee;

17 “(2) 3 members shall be appointed, from rec-
18 ommendations by the Governor of Minnesota, to rep-
19 resent the Department of Natural Resources, the
20 Office of Tourism, and the Environmental Quality
21 Board, of the State of Minnesota;

22 “(3) 1 member shall be a commissioner from
23 each of the counties of Koochiching and Saint Louis,
24 appointed from recommendations by each of the
25 county boards of commissioners;

1 “(4) 1 member shall be a representative from
2 the cities of International Falls and Orr, appointed
3 from recommendations by each of the city councils;

4 “(5) 1 member shall be a State senator who
5 represents a legislative district that contains a por-
6 tion of the park, appointed from a recommendation
7 by the Governor of Minnesota;

8 “(6) 1 member shall be a State representative
9 who represents a legislative district that contains a
10 portion of the park, appointed from a recomme-
11 dation by the Governor of Minnesota;

12 “(7) 1 member shall be an elected official from
13 the Northern Counties Land-Use Coordinating
14 Board, appointed from recommendations by the
15 Board; and

16 “(8) 1 member shall be an elected official of the
17 Native American community to represent the 1854
18 Treaty Authority, appointed from recommendations
19 by the Authority.

20 “(d) ADVISORY COMMITTEES.—

21 “(1) IN GENERAL.—The Council may establish
22 1 or more advisory committees for consultation, in-
23 cluding committees consisting of members of con-
24 servation, sportsperson, business, professional, civic,
25 and citizen organizations.

1 “(2) FUNDING.—An advisory committee estab-
2 lished under paragraph (1) may not receive any
3 amounts made available to carry out this Act.

4 “(e) QUORUM.—A majority of the members of the
5 Council shall constitute a quorum.

6 “(f) CHAIRPERSON.—

7 “(1) ELECTION.—The members of the Council
8 shall elect a chairperson of the Council from among
9 the members of the Council.

10 “(2) TERMS.—The chairperson shall serve not
11 more than 2 terms of 2 years each.

12 “(g) MEETINGS.—The Council shall meet at the call
13 of the chairperson or a majority of the members of the
14 Council.

15 “(h) STAFF AND SERVICES.—

16 “(1) STAFF OF THE COUNCIL.—The Council
17 may appoint and fix the compensation of such staff
18 as the Council considers necessary to carry out this
19 Act.

20 “(2) PROCUREMENT OF TEMPORARY SERV-
21 ICES.—The Council may procure temporary and
22 intermittent services under section 3109(b) of title
23 5, United States Code.

24 “(3) ADMINISTRATIVE SUPPORT SERVICES.—
25 The Administrator of General Services shall provide

1 to the Council, on a reimbursable basis, such admin-
2 istrative support services as the Council requests.

3 “(4) PROVISION BY THE SECRETARY.—On a re-
4 quest by the Council, the Secretary shall provide
5 personnel, information, and services to the Council
6 to carry out this Act.

7 “(5) PROVISION BY OTHER FEDERAL DEPART-
8 MENTS AND AGENCIES.—A Federal agency shall pro-
9 vide to the Council, on a reimbursable basis, such in-
10 formation and services as the Council requests.

11 “(6) PROVISION BY THE GOVERNOR.—The Gov-
12 ernor of Minnesota may provide to the Council, on
13 a reimbursable basis, such personnel and informa-
14 tion as the Council may request.

15 “(7) SUBPOENAS.—The Council may not issue
16 a subpoena nor exercise any subpoena authority.

17 “(i) PROCEDURAL MATTERS.—

18 “(1) GUIDELINES FOR CONDUCT OF BUSI-
19 NESS.—The following guidelines apply with respect
20 to the conduct of business at meetings of the Coun-
21 cil:

22 “(A) OPEN MEETINGS.—Each meeting
23 shall be open to the public.

24 “(B) PUBLIC NOTICE.—Timely public no-
25 tice of each meeting, including the time, place,

1 and agenda of the meeting, shall be published
2 in local newspapers and such notice may be
3 given by such other means as will result in wide
4 publicity.

5 “(C) PUBLIC PARTICIPATION.—Interested
6 persons shall be permitted to give oral or writ-
7 ten statements regarding the matters on the
8 agenda at meetings.

9 “(D) MINUTES.—Minutes of each meeting
10 shall be kept and shall contain a record of the
11 persons present, an accurate description of all
12 proceedings and matters discussed and conclu-
13 sions reached, and copies of all statements filed.

14 “(E) PUBLIC INSPECTION OF RECORD.—
15 The administrative record, including minutes
16 required under subparagraph (D), of each meet-
17 ing, and records or other documents that were
18 made available to or prepared for or by the
19 Council incident to the meeting, shall be avail-
20 able for public inspection and copying at a sin-
21 gle location.

22 “(2) NEW INFORMATION.—At any time when
23 the Council determines it appropriate to consider
24 new information from a Federal, State, or local
25 agency or from a Council advisory body, the Council

1 shall give full consideration to new information of-
2 fered at that time by interested members of the pub-
3 lic. Interested parties shall have a reasonable oppor-
4 tunity to respond to new data or information before
5 the Council takes final action on management meas-
6 ures.

7 “(j) COMPENSATION.—

8 “(1) IN GENERAL.—A member of the Council
9 who is not an officer or employee of the Federal gov-
10 ernment shall serve without pay when carrying out
11 duties pursuant to this Act.

12 “(2) TRAVEL EXPENSES.—While away from the
13 home or regular place of business of the member in
14 the performance of services for the Council, a mem-
15 ber of the Council shall be allowed travel expenses,
16 including per diem in lieu of subsistence, in the
17 same manner as persons employed intermittently in
18 Federal Government service are allowed expenses
19 under section 5703 of title 5, United States Code.

20 “(k) FUNDING.—Of amounts appropriated to the Na-
21 tional Park Service for a fiscal year, the Secretary shall
22 make available such amounts as the Council shall request,
23 not to exceed \$150,000 for the fiscal year.

1 “(l) TERMINATION OF COUNCIL.—The Council shall
2 terminate on the date that is 10 years after the date of
3 enactment of this subsection.

4 **“SEC. 305. MANAGEMENT PLAN.**

5 “(a) SCHEDULE.—

6 “(1) IN GENERAL.—Not later than 3 years
7 after the date of enactment of this subsection, the
8 Council shall submit to the Secretary and the Gov-
9 ernor of Minnesota a comprehensive management
10 plan (referred to in this section as the ‘plan’) for the
11 park, to be developed and implemented by the re-
12 sponsible Federal agencies, the State of Minnesota,
13 and local political subdivisions.

14 “(2) PRELIMINARY REPORT.—Not later than 1
15 year after the date of the first meeting of the Coun-
16 cil, the Council shall submit a preliminary report to
17 the Secretary describing the process to be used to
18 develop the plan.

19 “(b) DEVELOPMENT OF PLAN.—

20 “(1) IN GENERAL.—In developing the plan, the
21 Council shall examine all relevant issues, including—

22 “(A) appropriate public access and rec-
23 reational use, including—

24 “(i) snowmobiling opportunities;

25 “(ii) campsites and trails;

1 “(iii) the management policies of har-
2 vesting fish and wildlife;

3 “(iv) aircraft access throughout the
4 park;

5 “(v) policies affecting hiking, bicy-
6 cing, snowshoeing, skiing, current
7 watercraft opportunities, and other recre-
8 ational activities the Council considers
9 appropriate for the park; and

10 “(vi) visitation and services at the
11 Kettle Falls facilities;

12 “(B) the proper distribution of visitors in
13 the park;

14 “(C) a comprehensive visitor education
15 program; and

16 “(D) the need for wilderness management
17 for certain areas of the park.

18 “(2) CONDITIONS.—In carrying out subparagraphs
19 (A) through (D) of paragraph (1), the Coun-
20 cil shall—

21 “(A) be subject to relevant environmental
22 law;

23 “(B) consult on a regular basis with ap-
24 propriate officials of each international, Fed-

1 eral, or State agency or local government that
2 has jurisdiction over land or water in the park;

3 “(C) consult with interested conservation,
4 sportsperson, business, professional, civic, and
5 citizen organizations; and

6 “(D) conduct public meetings at appropriate
7 places to provide interested persons the
8 opportunity to comment on matters to be ad-
9 dressed by the plan.

10 “(3) PROHIBITED CONSIDERATIONS.—The
11 Council may not consider—

12 “(A) removing park designation; or
13 “(B) allowing mining, logging, or commer-
14 cial or residential development.

15 “(4) REPORT.—The Council shall report to the
16 International Joint Commission on water levels in
17 the Rainy Lake Watershed, pursuant to the Conven-
18 tion Providing for Emergency Regulation of the
19 Level of Rainy Lake and of Certain Other Boundary
20 Waters, signed at Ottawa September 15, 1938 (54
21 Stat. 1800).

22 “(c) APPROVAL OF PLAN.—

23 “(1) SUBMISSION TO SECRETARY AND GOV-
24 ERNOR.—The Council shall submit the plan to the
25 Secretary and the Governor of Minnesota for review.

1 “(2) APPROVAL OR DISAPPROVAL BY SEC-
2 RETARY.—

3 “(A) REVIEW BY THE GOVERNOR.—The
4 Governor may comment on the plan not later
5 than 60 days after receipt of the plan from the
6 Council.

7 “(B) SECRETARY.—

8 “(i) IN GENERAL.—The Secretary
9 shall approve or disapprove the plan not
10 later than 90 days after receipt of the plan
11 from the Council.

12 “(ii) CRITERIA FOR REVIEW.—In re-
13 viewing the plan, the Secretary shall con-
14 sider—

15 “(I) the adequacy of public par-
16 ticipation;

17 “(II) assurances of plan imple-
18 mentation from State and local offi-
19 cials in Minnesota;

20 “(III) the adequacy of regulatory
21 and financial tools that are in place to
22 implement the plan;

23 “(IV) provisions of the plan for
24 continuing oversight by the Council of
25 implementation of the plan; and

1 “(V) the consistency of the plan
2 with Federal law.

3 “(iii) NOTIFICATION OF DIS-
4 APPROVAL.—If the Secretary disapproves
5 the plan, the Secretary shall, not later
6 than 30 days after the date of disapproval,
7 notify the Council in writing of the reasons
8 for the disapproval and provide rec-
9 ommendations for revision of the plan.

10 “(C) REVISION AND RESUBMISSION.—Not
11 later than 60 days after receipt of a notice of
12 disapproval under subparagraph (B) or (D), the
13 Council shall revise and resubmit the plan to
14 the Secretary for review.

15 “(D) APPROVAL OR DISAPPROVAL OF RE-
16 VISION.—The Secretary shall approve or dis-
17 approve a plan submitted under subparagraph
18 (C) not later than 30 days after receipt of the
19 plan from the Council.

20 “(d) REVIEW AND MODIFICATION OF IMPLEMENTA-
21 TION OF PLAN.—The Council—

22 “(1) shall review and monitor the implementa-
23 tion of the plan; and

24 “(2) may, after providing for public comment
25 and after approval by the Secretary, modify the

1 plan, if the Council and the Secretary determine
2 that the modification is necessary to carry out this
3 Act.

4 “(e) INTERIM PROGRAM.—Before the approval of the
5 plan, the Council shall advise and cooperate with appro-
6 priate Federal, State, local, and tribal governmental enti-
7 ties to minimize adverse impacts on the park.

8 “(f) NATIONAL PARK SERVICE REGULATIONS.—Dur-
9 ing the period beginning on the date of enactment of this
10 subsection and ending on the date a management plan is
11 approved by the Secretary under subsection (c)(2), the
12 Secretary may not issue any regulation that relates to the
13 park, except for—

14 “(1) regulations required for routine business,
15 such as maintenance, visitor education, and law en-
16 forcement; and

17 “(2) emergency regulations.

18 “(g) STATE AND LOCAL JURISDICTION.—Nothing in
19 this Act diminishes, enlarges, or modifies any right of the
20 State of Minnesota or any political subdivision of the State
21 to—

22 “(1) exercise civil and criminal jurisdiction;

23 “(2) carry out State fish and wildlife laws in
24 the park; or

1 “(3) tax persons, corporations, franchises, or
2 private property on land and water included in the
3 park.”.

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